IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

CRIMINAL APPLICATION NO.3902 OF 2006

Sharda Kaluram Hajare & Anr. .. ..Applicants

Versus

The State of Maharashtra .. ..Respondent

Mr. R.D.Suryawanshi for applicants

Mr. S.S.Pednekar, APP for State

CORAM : S.C.DHARMADHIKARI,J.

DATE : 13TH NOVEMBER, 2006

P.C.:

1. Heard Mr. Suryawanshi for applicant and Mr. Pednekar, learned APP for State.

2. The applicants are women accused and arrested in connection with CR No.I-16/2006 registered with Kinhavali Police Station, Shahapur for offences punishable under Sections 302, 201 read with Section 34 of Indian Penal

3. The applicants are arrested because a FIR was lodged by one Tatu Vishe alleging that his sister Shaila @ Sangeeta was harassed and tortured by her in-laws including the present applicants on account of sale of an agricultural land owned by her husband and father in-law. She was thereafter put to death.

4. The applicants' application has been rejected because the learned judge was of the view that there are eye witnesses to the incident. The offence is a serious and the name of the applicants appeared in the FIR.

5. The learned APP points out that all co-accused are enlarged on bail. Other two applicants are women accused and are enlarged on bail because the charge-sheet could not be filed within the period specified in law. However, in the present case there are eye witnesses who have assigned specific role to the applicants and in such circumstances, application be rejected.

6. I have perused the application and annexures thereto. These applicants are the sister-in-laws of the deceased. The lands have been disposed off by the male

members in the family. While it is true that the allegations are made of harassment against the present applicants as well, but considering that the main role has been played by the male members, so also they being released on bail, the applicants deserve to be enlarged on bail. They deserve to be enlarged on bail because they are women accused and no material is produced to show that they would not attend the court or otherwise not be available during the course of the trial. Hence the following order :

: O R D E R :

(i) The applicants shall be enlarged on bail in connection with C.R.No.I-16/2006 of Kinhavali Police Station, Shahapur subject to furnishing a personal bond of Rs.5,000/= each with one or two sureties in the like amount.

(ii) The applicants shall report to Kinhavali Police Station, Shahapur once in a week till the conclusion of the trial.

(iii) Bail is granted subject to condition that the applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

(iv) The applicants shall cooperate with the learned trial judge for expeditious disposal of the trial. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case and shall not influence the trial court at the time of trial.

(vi) Application is disposed of in above terms.

(S.C.Dharmadhikari, J.)